

CITY OF DEER PARK  
710 E. SAN AUGUSTINE STREET  
DEER PARK, TEXAS 77536

CC 64-022  
P&Z 44-026

Minutes

of

A JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF DEER PARK, TEXAS, HELD AT CITY HALL, 710 E. SAN AUGUSTINE STREET, ON MARCH 4, 2008 BEGINNING AT 7:00 P.M., ON A PROPOSED AMENDMENT TO ORDINANCE NO. 819, THE ZONING ORDINANCE, PLACING IN THE PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT A 14.3063 ACRE TRACT EAST OF CENTER STREET AND SOUTH OF PASADENA BLVD (3800 BLOCK OF CENTER STREET), CITY OF DEER PARK, TEXAS, AND TAKING THE SAME OUT OF THE GENERAL COMMERCIAL (GC) ZONING DISTRICT, WITH THE FOLLOWING MEMBERS PRESENT:

WAYNE RIDDLE	MAYOR
CHARLES GARRISON	COUNCILMAN
THANE HARRISON	COUNCILMAN
CHRIS RICHEY	COUNCILMAN
BLAKE BARNES	COUNCILMAN
BECKIE STOCKSTILL-COBB	COUNCILWOMAN
DEAN LAWTHER	COUNCILMAN

AND THE FOLLOWING MEMBERS OF THE PLANNING AND ZONING COMMISSION:

TRAVIS JAGGERS	CHAIRMAN
HAL ANDERSON	COMMISSIONER
RAY BALUSEK	COMMISSIONER
BENNIE MATUSEK	COMMISSIONER

OTHER CITY OFFICIALS PRESENT:

RONALD V. CRABTREE	CITY MANAGER
SANDRA WATKINS	CITY SECRETARY
JIM FOX	CITY ATTORNEY
GARY JACKSON	ASSISTANT CITY MANAGER

1. HEARING OPENED ON BEHALF OF THE CITY COUNCIL - Mayor Riddle opened the hearing at 7:00 p.m. on behalf of the City Council.
2. HEARING OPENED ON BEHALF OF THE PLANNING AND ZONING COMMISSION - Chairman Jaggars opened the hearing at 7:00 p.m. on behalf of the Planning and Zoning Commission.

3. NOTICE OF JOINT PUBLIC HEARING - The City Secretary read the Notice of Joint Public Hearing. (Exhibit A)
4. HEARING OPENED FOR THOSE PERSONS DESIRING TO SPEAK IN FAVOR OF OR AGAINST THE REQUEST - Mayor Riddle opened the hearing for those persons desiring to speak in favor of or against the request.
  - a. Bobby Grisham, 4650 Center Street, Deer Park, Texas, commented, "I am co-owner of Grisham/Tolar Properties. Reese Tillery and I are the trustees of this property. The property is described as a 14.3063 acre tract in the George Patrick Survey, portions of Outlots 115, 116, and 118 of the Town of Deer Park. The property is located on the east side of Center Street, and south of Pasadena Boulevard. We are here tonight to ask City Council to consider our request for rezoning this acreage from General Commercial to a Planned Unit Development. A Planned Unit Development will allow the property to have a mixture of residential and commercial development. Before I get into this, I want to say that this property has been vacant at least since I came here in 1967, and way before that. I think this property has been vacant for well over fifty years, and maybe even longer. It is presently zoned General Commercial. This zoning legally allows for more traffic, possible loading docks, or other commercial intrusive and disturbing problems for the neighborhood. This proposed planned project will be a fifteen to seventeen million dollar gated community built for senior citizens who are at least fifty-five years of age. Providence Town Square is an age qualified, deed restricted development, which meets the special needs of our community. The deed restriction for the senior development is for seventy-five years. The developers are here tonight, and they can share some of the wonderful proposed complete Planned Unit Development build out for this 14.3063 location. We want to address some of the concerns of the citizens. You can refer to the brochure handout that you have to answer some of those questions. Mr. Donnell, Mr. Tillery, Mr. Taylor, and the developers, Rob Johnson, Chris Richardson, and Matt Fuqua, are all present. They will give a brief overview of this project, and then they will all be available for questions. Mr. Donnell will start by presenting a global overview of Providence Town Square."
  - b. Ken Donnell, 3614 Darling, Pasadena, Texas, commented, "Good Evening Mayor and Councilmembers. I am an agent for Grisham/Tolar properties, and a property owner here in Deer Park. I am here tonight to describe to you some aspects of the proposed Planned Unit Development Project that Mr. Grisham just identified for you. I will give you a bit of a summary since you have all of the information in front of you. We have timed this, and it is less than three minutes, so hang on here. This site is in a prominent location here in the city, and we believe that the proposed development will be a welcomed addition to Deer Park. It is going to be a beautiful, secure, age restricted community. We are very excited about bringing this proposal to the Council, because we believe that this development will change the face of the city. We also believe that this project will benefit a very

specific and growing segment of our area's population. Those who are fifty-five and older who want to down size, and simplify their lives, who want to know that their home is secure while they are traveling, who want to have certain amenities close at hand, and who want to live independently, but still have the convenience and camaraderie of living near those of like mind, like circumstances, and similar lifestyle. We believe that this development meets all of those needs and more. In the packet that was handed out, you can see the proposed layout of the project, a picture of another development by this builder, a description of the amenity center, some specifics about this project, and some pertinent information about other such projects. I would just like to point out a few things for you to know. First, the age restriction, as Mr. Grisham just mentioned, is a deed restriction that is in effect for the next seventy-five years even if the property sells. Meaning that during that seventy-five year period, this development may not be turned into a non age restricted complex. Next, the age restriction and associated deed restriction ensures that the problems that people sometimes associate with other living complexes will not be present here. For instance, youth gangs, illegal drugs and loud parties. In that information it was noted that the average age of residents in other developments by this builder is about seventy-two years of age. Of course, with this data before us it is clear that this population will have no impact on the local school district. I will also point out that a large detention pond will control storm drainage, and keep flooding in check. Finally, this project has the potential to be a catalyst for drawing restaurants and other retail establishments to the Center Street portion of the land. I want to go on record as being in favor of approving this Planned Unit Development, primarily because of the expected positive impact on the city, but also since this entire tract is currently zoned General Commercial. I am in favor of passing the Planned Unit Development, because the alternative is mixed and random Commercial Development that will almost certainly bring light and noise intrusion to the adjacent residents. Thank you."

- c. Reese Tillery, 2302 Kilkenny, Deer Park, Texas, commented, "I could not compete with these guys for putting on a presentation, but I did get up one morning and drive out to their facility in Katy, and it looks just as good there as it does in these pictures. I have said before that I live in Deer Park, both my kids, and all of my grandkids. I would be very pleased for this project to be built in Deer Park. I think it would be good for the community, and good for my family. I thank you for your time."
- d. Annette Osborne, 602 Bradshire, Deer Park, commented, "I live in the neighborhood behind where they are proposing to build this and I have questions. If it is going to be built, how far from the property owners is it going to be and is there an easement, so that it is not infringed upon their properties? How is the traffic going to be handled in that area? That is a concern to me, because I live there, and I go through those intersections every day. I know that you all live here in Deer Park, and that you are thinking about us, but I want to make sure that my kids are going to be safe, because sometimes my sons walk home from school. Is

there going to be extra traffic in the area, and how will it be addressed to make sure that it is safe?"

- e. Chris Richardson, 9219 Katy Freeway, Houston, Texas, commented, "I am President of Blazer Building. We are the proposed developer of the residential portion. The back site plan that you can see has a full width two-lane street plus parking, and then a grass space before you get to the first one-story building. You will see on the site plan that the one-story buildings are pictured. You can see it will be about sixty-six feet from our property line and their back yard. Then you get over to the one-story building, which is much like a house. It is a one-story, one and two bedrooms, and each one of those units has an attached garage just like a home. There are forty-nine of those units on site all together, which surround the three-story and two-story buildings, which are served with elevators."

Mayor Riddle asked, "You are saying that it is sixty-six feet rather than one hundred feet? I was told it was one-hundred feet."

Mr. Richardson answered, "You have the fence line, then there is a 5 foot buffer, then nineteen feet of parking space, and then twenty-five feet, so that brings it up to sixty to sixty-five feet."

Councilman Barnes asked, "Those are one-story buildings that it goes up to first?"

Mr. Richardson answered, "That is right, one-story. As you can see in the presentation, that is the one-story that would back up to their fence sixty-feet away."

Councilman Barnes asked, "Do you have a picture of the elevation?"

Mr. Richardson referring to the presentation answered, "This is the building."

Councilman Barnes asked, "Is the front facing in?"

Mr. Richardson answered, "That is the front facing in on both sides. It is double loaded that way. The back has a front door. As you look at this, there is a front door facing the street as you see on the site plan. On the other side, there will be front doors facing the community center, and the other building. Then on the end, you see the streets. It looks like a little 'T' where they go into their garages, and the garages face each other."

Mayor Riddle asked, "On the other side of the one-story building to the three-story building, how many feet, roughly, is that from the fence?"

Mr. Richardson answered, "That is going to be another thirty-feet between the two buildings. The building is 80' x 120', the envelope of the building itself. Basically, before you get to anything that is three stories you are about one hundred and seventy feet away."

Councilman Harrison asked, "Is the building directly south of the detention pond a three-story or a one-story"

Mr. Richardson answered, "That is a three-story building."

Mayor Riddle asked Councilman Harrison, "Are you looking at that leg?"

Councilman Harrison answered, "Yes."

Mr. Richardson commented, "In anticipation of that, we have a plan that is two-hundred and sixty-four units that takes that building back. We knocked approximately ten units off of that building to make that a buffer. That plan is an option that would take care of that portion of the three-story building. Someone brought that up in the Planning and Zoning meeting. We have created an alternate plan that we can take that back by deleting those ten units, and have that portion of that building not be as close. It would, basically, be one-hundred feet."

Councilman Barnes asked, "You have a lot of trees shown in here. Do you have a certain landscaping plan? Is it laid out to show what height, and kind of trees you are planning to put in?"

Mr. Richardson answered, "No, there is not a definite plan. It will be similar to this. Our family actually owns a large commercial wholesale nursery in Hempstead, Texas. We grow everything that we put on site except the grass. It will be landscaped similar to what you see here. I think if you see the one we put in Katy, it is very nice landscaping."

Councilman Lawther asked, "The city can, basically, dictate what you can have."

Mayor Riddle commented, "If we decide to rezone this, then the Planning and Zoning Commission and Engineering Department will make recommendations back to us as to what the requirements are as far as, landscaping, the setbacks, and some other things that we see on this."

Councilwoman Stockstill-Cobb asked, "Where you have this leg that you need to take off, would one of those one-story buildings fit in there?"

Mr. Richardson answered, "No, we looked at that, and it would cramp it too much. Therefore, we are willing to knock off the ten units, and add some parking space right there. One question that we did not address on the parking is that our market studies show that the required number of cars is .8 to .9 cars per unit. A normal, say family property, would have 1 2/3 to 1 3/4, so it is about half of the amount of an ordinary apartment site, plus it is less than a lot of commercial sites would be, industrial or retail."

Mayor Riddle asked, "If you would tell us how, if the application for the Tax Exempt Mortgage Revenue Bond Program is approved, that would affect this project."

Mr. Richardson commented, "We are working on two different scenarios. One is with a combination of conventional financing and revenue bonds, which we work with a local bank or a large bank on for the private placement for those bonds. What that will do is it gives us a better income spread of between \$600.00 a unit up to \$1,350.00 for the larger units. If we go with this conventional financing, it puts that at about \$850.00 to \$875.00 for the low up to the \$1,350.00. It gives a better income spread, and it opens it up to those folks who make \$24,000.00 to \$25,000.00. They could live there without putting a strain on their budget, and there are many people in that category in the fifty-five and over age bracket. They, typically, have social security, some type of pension, and combination of passive income that they have gotten from selling property, bonds, or tax revenue."

Mayor Riddle asked, "Do you have a set standard of what type of requirements you are going to have for your residents?"

Mr. Richardson answered, "All of our residents go through a criminal background check, credit check, and that kind of thing. If they don't pass that, they are not allowed to live there."

Mayor Riddle asked, "To answer Mrs. Osborne concerns about traffic, have you done a traffic study on that?"

Mr. Richardson answered, "We have not done a total study. We have one from the Katy property, and that is where we came up with the .8 to .9 cars per unit. We will be a lot less traffic than the site would normally carry on a lot higher density. We have looked into it, somewhat, but that is still to be done."

Councilman Lawther asked, "If any of the financing included was under the tax exempt mortgage revenue, would that have any affect on the property tax that the unit paid to the city?"

Mr. Richardson asked, "No, we will still pay property tax on the prevailing percentage of the evaluation."

Councilman Barnes asked, "The Katy location, I know we have some retail in here, is this something that maybe you have already been talking to some national retail chains or restaurants? Is this something that you have already starting contacting some people on if this goes through?"

Mr. Richardson asked, "The developer, Rob Johnson, is handling the retail portion and he can address that."

f. Rob Johnson, Rob Johnson Interest, 10901 Kimwood, Houston, Texas, commented, "Mayor and City Council, thank you for having us here tonight. We are real excited of what we envision on these fourteen acres. I would like to go over some things. When we were in front of the Planning and Zoning Commission, some of the things that I think you should at least think about is the

way this property is presently set up. What it would do with the traffic impact it would have, which I think I can show you would be much more severe than the proposed use of a seniors housing property. Typically, if you took the fourteen acres, and did simple mathematics, which in the commercial retail business you try to do a four to one ratio. In other words, it is ten thousand square feet per fourteen acres. Let's say that we would build on that site the way it is presently zoned commercial, and we are going to develop the site, and it is going to be retail. The problem is the big box companies have already gone over on the Beltway and on Fairmont Parkway. Hypothetically, for a minute, if you were going to develop this into a commercial site, where you would have one-hundred and forty thousand square feet of space, the minimum parking that you would have for a grocery store, a pet store, or whatever it was, would be a five per thousand. Therefore, if you take the one-hundred and forty thousand square feet, you are looking at seven hundred parking spaces for that development. I believe that the residential component is three hundred and fifty spaces, so it would be half of that. On the little commercial portion of the project that I am going to go through, you will add maybe another one hundred and fifty spaces. There would be dramatically less parking by this plan, and less traffic by this plan than you would have if it were a retail project. In addition, add in the in and out activity twenty-four hours a day. The numbers from the traffic survey for traffic going to the grocery store, which HEB is already there, but for this type of retail center will be a lot less traffic as far as the neighborhood. One thing that Chris did not speak on, and I know the woman's comment on the children and I understand that completely, there would be one entrance going out on Pasadena Boulevard, and that would be a gated entrance, and it is an exit only. This is one way that the residents can leave, but the main exit is on Kingsdale at Center Street. Our part of this project will be the development of the commercial portion, retail, restaurants, and banks with a focus on restaurants, because as I talked to most people in this city it is abundantly clear to me that everyone would like to have more restaurants come in. We have been working that, and I am going to show you some of the properties that we have done in different parts of town. What we do is, basically, work on in-field development opportunities. The top diagram is one that was built in an area called midtown, and is about two blocks from the central business district in downtown Houston, and is at the corner of Smith and Gray. It is about a fifteen thousand square foot center. Washington Mutual is there, Buffalo Wild Wings is a restaurant, and Cold Stone Creamery. The next diagram is Washington Square on the corner of Washington Avenue and Shepard just north of Memorial. Again, Washington Mutual is there, Molina's Restaurant, and different type of retailers. T-Mobile is a major tenant in there. The next picture is one that we did south of the University of Houston at Old Spanish Trail and Scott. We did it with Washington Mutual, Radio Shack, Cricket, Cash Advance, Cecily Pizza, and then next door we did a build to suit for Sonic Drive In. The last one is one that we just completed and finished up down in Sugar Land on Highway 6 and US 59 south about two blocks removed from the new Whole Foods Store that has opened. We did this with Panda Express, and Buffalo Wild Wings. Then there was a project that we did in South Houston with Chase Bank, so forth. That is kind of what we

do, and what we have done. I am going to hand these out, because I think it gives you a good feel for how we see this site from an aerial view. How it would blend in with the senior's project, and how the senior's project wraps around the HEB, the new Starbucks sits there, Blockbuster Video, and the bank. Across the street of course, is the CVS. We are proposing to look at the retail to have as much flexibility as we can. We are in discussions with Panera Bread, and with Denny's. We are in discussion with several of what I call the national restaurant people. Here is their response. Their response is, once you get the zoning accomplished, and once that you are underway with the seniors project, which creates 260 to 270 units behind you, then give us the direction to come up Center Street versus the easy real estate office choice of that guy that works for a major company that says, 'I can't go wrong because I went up Spencer Highway, because there is more traffic, and it is six lanes. That is the reality of the retail food business. They have to go where the activity is. The person that sticks his neck out there to say, 'okay, I am going up here'. He has to have a good reason to go up here. I think that with this, and I am confident in our conversations that this creates a whole new centergy in dynamics that you do not have there now. I am saying from our side of the program of what we do, we bring food to the party, banks, shopping, or whatever it may be, and you never know. You can never know. You can have all the great plans in the world, but you never know until you get right down, and you start getting people to sign leases, and get the buildings underway. That is what you face. I will be glad to answer any questions, but I am kind of giving you a generalization of what is here. I would like to say one other thing that was said by someone. If that site were to be a retail site in the back, you know the HEB is there, but the HEB is buffered, and you have the karate studio back there, so you have a green space area. That would be the exit for the senior's project. If someone were to build a big box back there, there would be the truck doors, and the unloading twenty-four hours a day. You can talk to the people in the City of Spring Valley that went through this same drill with the Home Depot. What they do is unload those trucks right next to the neighborhood, they have the lights on twenty-four hours a day, and then there is the delivery. I am just telling you that this use for that site and the neighborhood is a great use."

5. HEARING RECESSED - Mayor Riddle recessed the joint public hearing at 7:30 p.m. on behalf of the City Council to convene the regular meeting of the City Council.
6. HEARING RECESSED - Chairman Jaggars recessed the joint public hearing at 7:30 p.m. on behalf of the Planning and Zoning Commission to convene the regular meeting of the City Council
7. HEARING RECONVENED - Mayor Riddle reconvened the joint public hearing at 7:30 p. m. on behalf of the City Council.
8. HEARING RECONVENED - Chairman Jaggars reconvened the joint public hearing at 7:30 p.m. on behalf of the Planning and Zoning Commission



Mayor Riddle asked, "Do you plan on requesting a curb cut on Center Street south bound to get into the Kingsdale and Center Street entrance there?"

Mr. Johnson answered, "I think it would be important. There is a curb cut there. What I thought you were asking for is a left hand turn lane, but there is a curb cut there."

Mayor Riddle commented, "I think a left hand turn lane was my question. I didn't say it, but it was my question."

Mr. Johnson answered, "There is a median opening, and there is a cross, and that is a cross street. Yes, I would love to be able to work with the city on that, because I think that would be an important component of it."

Mr. Richardson asked, "On the revised site plan that we were talking about, would you like to see that?"

Mayor Riddle answered, "Yes, please."

Mr. Richardson commented, "It is, basically, one-hundred feet to this building, and that is only a two story, and then it is the three-story, so it is about one-hundred twenty-five feet to any three story building."

g. Paula Smith, 409 Wisdom Drive, Deer Park commented, "One of my questions, and I do not know if this is a manipulation of the dictionary, but this is essentially multi-family, that is what it looks like. You give it a fancy term as Planned Unit Development, and that gives them the waiver of the three-hundred foot easement requirement. He stated there is only ten feet from the residential area. Then I started reading under the Planned Unit Development ordinance, and I hope all of you are familiar with it. They are requesting here a concession of zoning commercial and residential from twenty-five acres, which is in the ordinance, to fourteen acres. I hope you have looked at this in great depth."

Mayor Riddle commented, "That is why we are having this public hearing to get this information, Paula. We are not approving this tonight."

Mrs. Smith continued, "I know, I just want to make sure you need to read it closely, and see what is required from them. Do not leave it up to the citizens, and do not leave it up to the developer. This is your responsibility of protecting the city. I hope you take that to heart when you examine this a little bit further. I have a copy of the Planned Unit Development ordinance if you need to see that."

Mayor Riddle asked City Manager, Mr. Crabtree, "What we are doing tonight is getting information from the public, and from the proposed interest in this. Time wise for development of the Planned Unit Development to come back to us, what are we looking at?"

Mr. Crabtree answered, "The process, as you know, for a Planned Unit Development is a little more complicated than a regular rezoning, because we are dealing with total planning of this piece of property. The details of all of that needs to get worked out as we go through the approval process. The first step, after the public hearing which we are holding tonight, is if you were to be in support of this change in zoning to allow for the Planned Unit Development to be developed would be to approve an ordinance and approve a conceptual or preliminary site plan. That would then give the developers the authorization to go forward with the development of the final development plan, which is going to provide the details. It is going to get down to the distances on the site that the buildings are going to be located at, and where the setbacks are going to be, and where the parking should be, and where the landscaping is going to be around the end of the property. That final development plan, if it is generally consistent with the site plan that has been approved at the time you approved that plan, does not have to go back through a public hearing process. It has to go back through the Planning and Zoning Commission, and then to you for final approval. If it is substantially or significantly different from the site plan that was initially approved, In other words, if the developers in the final design process want to make some changes that would be significant, they would have to go back through the public hearing process which would again provide for the opportunity of the adjacent property owners to be informed of what is being changed, and how that might affect the development. The process could take another three months or so. To approve the site plan could be done at the next City Council meeting. The final development plan will depend upon how soon the developers choose to proceed with that development, and get it submitted for final review by the Planning and Zoning Commission and Council."

Mayor Riddle asked, "A question that Mrs. Smith brings up about the fourteen acres, and the twenty-five acres, how would that be handled?"

Mr. Crabtree answered, "There is a provision in the Planned Unit Development ordinance that sets the minimum area for a Planned Unit Development at twenty-five acres, but it also provides that the provision of the minimum requirement can be waived upon review by the Planning and Zoning Commission and the City Council. It is my understanding upon reviewing the recommendation from the Planning and Zoning Commission that their consideration of that minimum requirement was that, in this case, that be waived, and that this Planned Unit Development be permitted on this fourteen plus acre tract."

Councilwoman Stockstill-Cobb asked, "A few moments ago someone spoke about the zoning being General Commercial at this time. One of the gentleman spoke on how many square foot of a general commercial retail establishment could be put on that tract. I am not good with sizes, but what are we talking about would be one hundred and fifty thousand?"

Mr. Crabtree answered, "I think his comment was that, generally, for the development of a General Commercial Retail Commercial Development they figure ten thousand square feet of built area for every acre. There is fourteen acres here, so about one-hundred and

forty thousand square feet of built area. He is using that amount to determine what the parking would be."

Councilwoman Stockstill-Cobb asked, "So, to give me a visual of what a one-hundred and forty thousand square foot building on that site would be, what would that be like, a Home Depot type site?"

Mr. Johnson answered, "A Home Depot is one-hundred and sixty thousand square feet."

Councilman Barnes commented, "It looks like HEB is forty-five thousand square feet."

Mr. Johnson commented, "That HEB is an older store, so it is probably closer to sixty-thousand square feet, but you may be right."

Councilman Barnes commented, "It would be three HEB's."

Mayor Riddle commented, "It would be about five of your Police Stations."

Councilwoman Stockstill-Cobb asked, "It would be like the Circuit City and Office Depot pad site?"

Mayor Riddle commented, "A little bigger than that."

9. HEARING CLOSED ON BEHALF OF THE CITY COUNCIL - Mayor Riddle closed the hearing at 7:39 p.m. on behalf of the City Council.
10. HEARING CLOSED ON BEHALF OF THE PLANNING AND ZONING COMMISSION - Chairman Jagers closed the hearing at 7:39 p.m. on behalf of the Planning and Zoning Commission.

APPROVED:

ATTEST:

\_\_\_\_\_  
Wayne Riddle, Mayor

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Sandra Watkins, TRMC, CMC  
City Secretary

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Travis Jagers, Chairman  
Planning & Zoning Commission